

**Federal Defenders
OF NEW YORK, INC.**

Southern District
52 Duane Street-10th Floor, New York, NY 10007
Tel: (212) 417-8700 Fax: (212) 571-0392

David E. Patton
Executive Director
and Attorney-in-Chief

Southern District of New York
Jennifer L. Brown
Attorney-in-Charge

November 8, 2023

BY ECF

Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

**Re: United States v. Haji Najibullah,
(S2) 14 Cr. 401 (KPF)**

Dear Judge Failla,

I write on behalf of the parties to request a slight adjustment of the Government's deadline to respond to the defense's omnibus Rule 12 motion, filed on August 25, 2023, and of the defense's deadline to reply.

Presently, the Government's opposition is due on Friday, November 10, 2023, which happens to be a court holiday in observance of Veteran's Day. Accordingly, the Government seeks leave to file its response on Monday, November 13, 2023, and the defense has no objection. Relatedly, the defense seeks a comparable extension of its deadline to reply, from Friday, December 1, 2023, to Tuesday, December 5, 2023. The Government does not object to this request.

This is the second request to adjust the Rule 12 motions schedule set by the Court on July 24, 2023 (dkt. no. 91). I thank the Court for its consideration of this application.

Respectfully Submitted,



Andrew John Dalack
Mark Gombiner
Samuel Jacobson
Ariel Werner
Assistant Federal Defenders
Tel.: (212) 417-8768

Cc: Government Counsel

Application GRANTED. The Government's submission shall be due on or before **November 13, 2023** and the Defense's submission shall be due on or before **December 5, 2023**.

The Clerk of the Court is directed to terminate the pending motion at docket number 96.

Dated: November 9, 2023
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE